

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANDREAS STIHL AG & CO. KG,	§	
	§	No. 97, 2011
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	State of Delaware in and for
v.	§	Kent County
	§	
BRUCE GUY and CONNIE GUY,	§	
	§	
Plaintiffs Below,	§	C.A. No. 07C-04-028
Appellees.	§	

Submitted: February 24, 2011

Decided: March 3, 2011

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices.

**ORDER**

This 3<sup>rd</sup> day of March 2011, it appears to the Court that:

(1) Defendant/appellant, Andreas Stihl AG & Co. KG (“Stihl”), has petitioned this Court, pursuant to Supreme Court Rule 42, to accept an interlocutory appeal from the Superior Court’s orders of January 27, 2011 and February 3, 2011. The January 27, 2011 order granted plaintiffs/appellees an extension of time “until February 11, 2011 at 5 p.m. to retain and identify [an] expert [witness].” The February 3, 2011 order denied Stihl’s request to vacate the January 27, 2011 order. By order dated February 8, 2011, the Superior Court denied Stihl’s application for certification of an interlocutory appeal.

(2) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in exceptional circumstances. We have examined the Superior Court's January 27, 2011 and February 3, 2011 orders according to the criteria set forth in Supreme Court Rule 42 and have concluded that exceptional circumstances meriting review of either order do not exist in this case.

NOW, THEREFORE, IT IS HEREBY ORDERED that the interlocutory appeal is REFUSED.

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice